

LABEL IN PART: (Envelope) "Style Rectal One Omega Clinical Thermometer
* * * Accurate."

RESULTS OF INVESTIGATION: Examination of 24 thermometers revealed that 6 thermometers failed to comply with the requirement for accuracy specified in CS1-52, issued by the National Bureau of Standards of the Department of Commerce, when tested as described in CS1-52.

LIBELED: 3-9-56, Dist. N. J.

CHARGE: 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the statements in the labeling of the article, namely, (on certificate of examination) "We, the undersigned distributors hereby certify that this registering Clinical Thermometer marked OMEGA has been examined and tested and found to meet all the requirements and tests specified in commercial standard, CS1-52" and (on envelope and two-dozen package) "Accurate," were false and misleading since they were contrary to fact.

DISPOSITION: 4-24-56. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

5070. In-Flam-Go. (F. D. C. No. 33787. S. No. 31-615 L.)

INFORMATION FILED: 6-10-53, E. Dist. Mich., against Cripps In-Flam-Go Sales Co., a partnership, Detroit, Mich., and Keith J. Cripps, partner.

SHIPPED: 7-25-51, from Michigan to Missouri.

LABEL IN PART: (Btl.) "In-Flam-Go * * * Ingredients: Free Iodine and C. P. Oil."

ACCOMPANYING LABELING: Leaflets headed "It Will Surprise You" and "A Truly Remarkable Product" and a display easel headed "In-Flam-Go."

CHARGE: 502 (a)—the labeling of the article, when shipped, contained false and misleading representations that the article was an adequate and effective treatment for inflammation, goiter, varicose veins, sprains, arthritis, neuritis, sties, burns and scalds, underactive and overactive thyroid glands, neuralgia, backache, sore muscles, bruises, impetigo, varicose ulcers, gangrene, hardening of the arteries, tonsillitis, sore throat, ringworm, eczema, sinus conditions, swelling of the glands, and high blood pressure.

PLEA: Not guilty.

DISPOSITION: On 5-1-56, the case came on for trial before a court and jury. At the conclusion of the trial on 5-4-56, the court dismissed the case against the partnership, and the jury returned a verdict of guilty against Defendant Cripps. On 6-27-56, the court placed the defendant on probation for 2 years.

5071. Father Francis' herb formulas. (F. D. C. No. 37264. S. Nos. 82-922/30 L.)

INFORMATION FILED: 7-7-55, N. Dist. Ill., against Mary Piatek, t/a Father Francis' Herbs, Chicago, Ill.

ALLEGED VIOLATION: Between 11-11-53 and 10-5-54, the defendant caused a number of copies of a leaflet, which contained statements regarding the diseases, symptoms, and conditions for which the articles were intended, to accompany

*See also Nos. 5061, 5065, 5068, 5069.

the articles as labeling, which act resulted in the articles being misbranded while held for sale after shipment in interstate commerce.

ACCOMPANYING LABELING: Leaflets entitled "From Nature's Own Laboratory . . . 'Nature—The Best Doctor.'"

RESULTS OF INVESTIGATION: The articles were designated as "Father Francis' Formula #1 [and "#2," "#3," "#4," "#5," "#6," "#7," "#8," and "#9]."

CHARGE: 502 (a)—the accompanying labeling of the articles contained the following false and misleading representations:

That the *Formula #1* would be an adequate and effective treatment for conditions affecting the stomach and intestines, indigestion, hyperacidity, poisonous conditions of the intestines, colic, nausea, bloating, torpidity, headache, and insomnia;

That the *Formula #2* would be an adequate and effective treatment for liver and gallbladder troubles, impaired digestion, and impure intestinal tract;

That the *Formula #3* would be an adequate and effective treatment for diabetes;

That the *Formula #4* would be an adequate and effective treatment for kidney and bladder troubles, rheumatism, arthritis, internal pains, nervousness, sleeplessness, backache, swelling of ankles, puffiness under the eyes, loss of energy, loss of appetite, and lowered resistance against disease;

That the *Formula #5* would be an adequate and effective treatment for bronchitis, sore throat, and fever, and for preventing colds;

That the *Formula #6* would be an adequate and effective treatment for rheumatism, gout, arthritis, neuritis, sciatica, lumbago, and muscular chill;

That the *Formula #7* would be an adequate and effective treatment for nervousness, sleeplessness, weakened nerves, dizziness, heart trouble, palpitations of the heart, and breathlessness;

That the *Formula #8* would be an adequate and effective treatment for obesity and overweight troubles;

That the *Formula #9* would be an adequate and effective treatment for impaired circulation of the blood, impure skin, impaired metabolism, and impaired health.

PLEA: Not guilty.

DISPOSITION: 5-10-56. After a hearing in the matter, the court made a finding of guilty and imposed a fine of \$50 on count 1 and \$25 on each of counts 2 through 9. The fines on counts 2 through 9 were suspended, and the defendant was placed on probation for 5 years.

5072. Vin-Creo. (F. D. C. No. 37269. S. No. 5-496 M.)

INFORMATION FILED: 6-24-55, N. Dist. Ohio, against Vin-Creo Products, Inc., Cleveland, Ohio, and Dr. Abe A. Hopps, president of the corporation.

SHIPPED: 10-15-54, from Ohio to Michigan.

LABEL IN PART: (Btl.) "Vin-Creo 2 Oz. The Liquid Douche * * * Contents: Creosote Not Less Than $\frac{1}{2}$ of 1%, Acetic Acid 4%, Glycerin 3%, Polysaccharids 5 gm. d Fragrance Per Ounce."

ACCOMPANYING LABELING: Circulars entitled "Vin-Creo, The Liquid Douche" and form letters beginning with "Dear Madam."

CHARGE: 502 (a)—the labeling of the article, when shipped, contained false and misleading representations that the article would be adequate and effective for preventing "social disease" and venereal disease in the male and female;